IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Tr.Appeal(C).No. 6 of 2006()

AGAINST THE JUDGEMENT/ORDER IN TPC.221/2006 Dated 06/11/2006
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: APPELLANT/RESPONDENT

PUSHPANGADHAN, S/O. SIVANANDAN,
ANANDA VELLESWARAM, CHERUVALAM, KANHINAD P.O.,
KALLARA VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS: PETITIONER

SREERATHI, W/O. LATE MR. NEELAKANTAN,
SANTHI BHAVAN, T.C.NO.17/1970,
POOJAPURA, THIRUVANANTHAPURAM.

THIS TRANSFER APPEAL(CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M. RAMACHANDRAN & A.K. BASHEER, JJ.

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Tr. A (Civil)NO.6 OF 2006

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DATED THIS THE 27th DAY OF NOVEMBER, 2006.

JUDGMENT

Basheer, J.

This appeal is directed against the order passed by a learned Single Judge allowing the prayer for transfer of a case pending before the Family Court, Nedumangad to the Family Court, Thiruvananthapuram.

2. The appellant had moved the Family Court for custody of the minor child. Initially the case was pending before the Family Court, Thiruvananthapuram. Later, when a Family Court was set up at Nedumangad, the case happened to be transferred to that court. In the transfer petition, the respondent/grandmother pointed out that she being a senior citizen and aged about 72 years, she was finding it difficult to undertake frequent travel to go to the court at Nedumangad. The learned Single Judge allowed the prayer and ordered transfer as indicated above.

3. It is contended by learned counsel for the appellant that the learned Single Judge was not justified in allowing the transfer petition particularly since the child was studying in 4th standard in Saraswathi Vidyanikethan, Chemmaruthi, Kallara, Kilimanoor within the jurisdiction of Family Court, Nedumangad. But that factor alone may not be a ground for rejecting the prayer for transfer made by respondent/grandmother. The learned Single Judge, in our view, has considered

all the relevant aspects of the issue and allowed the prayer. We do not find any reason to interfere with the discretion exercised by the learned Single Judge.

The Transfer Appeal is accordingly dismissed.

(M.Ramachandran, Judge.)

(A.K. Basheer, Judge.)

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